

## **Question: What happens in a household when you have a parent getting SSI and a child under 18 who also gets SSI?**

The question is about earned income and how it affects the CHILD in terms of parent-to-child deeming.

Any public income maintenance (PIM) payment and any income used to compute such payment is excluded from the income of ineligible parents or ineligible spouses for purposes of deeming. This exclusion applies to the income of an ineligible spouse or parent that is used to compute a PIM payment regardless of who receives that payment.

SSA figures that if the ineligible parent or spouse has an income low enough to qualify for means-tested public assistance, then they won't count it against the SSI eligible spouse or child for the purposes of deeming. Of course, SSA is very specific about which types of payments they consider to be "public income maintenance" or "public assistance." They are limited to these things:

PIM payments are those payments made under:

- Title IV-A of the Social Security Act (Aid to Families with Dependent Children (AFDC)/Temporary Assistance for Needy Families (TANF) (For AFDC see SI 00830.400, for TANF see SI 00830.403);
- Title XVI of the Social Security Act (SSI, including federally administered State supplements and State administered mandatory supplements);
- The Refugee Act of 1980 (those payments based on need) (SI 00830.645 ff.);
- The Disaster Relief and Emergency Assistance Act (SI 00830.620);
- General assistance programs of the Bureau of Indian Affairs ( SI 00830.800);
- State or local government assistance programs based on need (tax credits or refunds are **not** assistance based on need) (SI 00830.175); **and**
- Department of Veterans Affairs' programs (those payments based on need) (SI 00830.300).

In regards to who gets SSI and wants to work, deeming will NOT apply as long as the parent receives a penny of that SSI check, because this is Public Income Maintenance (PIM). SSA will not count the parent's SSI or any income used to calculate the SSI payment against the SSI eligible child. Parent-to-child deeming will not occur while the parent receives an SSI cash payment.

When a parent goes to work, his or her wages won't count against the SSI eligible child as long as s/he remains eligible for SSI cash payments. However, as soon as s/he hits her break-even point and the SSI payment zeros out, parent-to-child deeming will begin to apply to the SSI eligible child. Remember that you can determine someone's individual break-even point (BEP) if you know how much countable earned and unearned income is received. All of the regular SSI exclusions continue to apply to parental income. For more information on calculating BEPs,

refer to the briefing paper entitled, "Calculating Break-Even Points" on the VCU-NTC web site at <http://www.vcu-ntc.org/resources/viewContent.cfm/713> .

In conclusion, as long as the parent gets a PIM payment (including SSI), none of that payment or the income used to calculate that payment will count against the child. As soon as s/he goes into SSI payment status N01 (non-payment status) deeming will commence. There is a detailed briefing paper explaining parent-to-child deeming at our website at <http://www.vcu-ntc.org/resources/viewContent.cfm/709> .

These regulations described in this message can be found in the POMS at SI 01320.141 Deeming - Public Income Maintenance Payments, found online at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0501320141!opendocument> .